

REMARKS-General

1. The claims 1-11, 14-15 and 18-19 are amended to incorporate all structural limitations of the original claims and include further limitations previously brought forth in the disclosure respectively. No new matter has been included. All amended claims 1-11, 14-15 and 18-19 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 7-13 and 15-20 under 35USC112

2. The applicant submits that the claims 7-13 and 15-20 are amended to particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

Response to Rejection of Claims 1 to 20 under 35USC103

3. The Examiner rejected claims 1 to 20 over Jordan in view of Culpeper and Hendricks and/or Johnson, but these patents fail to suggest the invention of claims 1 to 20, including the following distinctive structural features:

In Claim 1 as a whole: **A transmission unit having an upper control portion positioned above the scooter body and a lower connecting portion extended underneath the scooter body, a steering means affixed to the control portion of the transmission unit for driving the connecting portion thereof to rotate in clockwise and anti-clockwise directions, a twister member having a driven portion connected to the connecting portion of the transmission unit, a pair of driving wheels spacedly and rotatably mounted to the twister member wherein the two driving wheels are spaced apart from the driven portion of the twister member, and a safety driving equipment, which comprises a supporting arm frontwardly extended from the driven portion of the twister member, and a safety wheel which is rotatably mounted to a free end of the supporting arm to support a front portion of the scooter body and prevent the scooter from being flipped over.**

A

In Claim 2 as a whole: An anti-flip member is integrally extended rearwardly and downwardly from a bottom side of the rear portion of the scooter body to reduce a vertical clearance between the scooter body and the rear wheels.

In Claim 3 as a whole: An anti-flip member is attached to a bottom side of the rear portion of the scooter body, wherein the anti-flip member is extended rearwardly and downwardly from the bottom side of the rear portion to reduce a vertical clearance between the scooter body and the rear wheels.

In Claims 4-6 each as a whole: The supporting arm is **integrally extended** from the twister member at the driven portion thereof and the safety wheel is arranged to **self-rotating 360 degrees with respect to the free end of the supporting arm and supported above ground when said two driving wheels are running on ground.**

In Claims 7-9 each as a whole: A pair of wheel arms is outwardly extended from two sides of the scooter body for rotatably connecting the two rear wheels, wherein **each of the wheel arms has first end securely affixed to the respective side of the scooter body and a second end having an elongated cavity for rotatably mounting the respective rear wheel via an axle.**

In Claims 10-11 each as a whole: The **twister member which has a triangular shape has a front end portion, which is the driven portion connected to the connecting portion of the transmission unit, and two rear side portions rotatably affixed the two driving wheels thereto.**

In Claim 14 as a whole: A pair of **rear wheels is rotatably supported at a rear portion of the scooter body for running on ground**, a transmission unit having an upper control portion positioned above the scooter body and a lower connecting portion extended underneath the scooter body, a steering means affixed to the control portion of the transmission unit for driving the connecting portion thereof to rotate in clockwise and anti-clockwise directions, a twister member having a driven portion connected to the connecting portion of the transmission unit, a pair of driving wheels spacedly and rotatably mounted to the twister member wherein the two driving wheels are spaced apart from the driven portion of the twister member, and **an anti-flip member extended rearwardly and downwardly from a bottom side of a rear portion of the scooter body to define a rear distance between the anti-flip member**

A

and the ground and the rear distance is shorter than a vertical clearance between the scooter body and the ground.

4. Jordan merely suggests a rider-propelled vehicle without mentioning any safety wheel, supporting arm and anti-flip member.

5. Culpeper, on the other hand, describes a convertible coaster having runners or wheels without suggesting any twist vehicle which comprises a twister member connected to the transmission unit and steering means wherein a supporting member is extended frontwardly from the twister member to rotatably mount the safety wheel. Culpeper also fails to suggest any anti-flip member.

6. Johnson merely suggests a truck for stoves that functions and operates completely different to the twist vehicle as claimed in the instant invention.

7. Hendricks merely teaches a vehicle with combination steering, braking and propulsion means without mentioning any supporting arm and safety wheel.

8. The applicant respectfully submits that this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. See *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.")

9. In the present case, there is no such suggestion. Jordan, Culpeper, Johnson and Hendricks perform very different types of vehicle that fails to suggest the instant

A

invention as claimed in the independent claim 1 or 14 as a whole. In any case, even combining Jordon, Culpeper, Johnson and Hendricks would not provide the invention as claimed -- a clear indicia of nonobviousness. Ex parte Schwartz, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992), ("Even if we were to agree with the examiner that it would have been obvious to combine the reference teachings in the manner proposed, the resulting package still would not comprise zipper closure material that terminates short of the end of the one edge of the product containing area, as now claimed.").

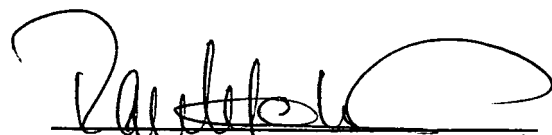
10. Applicant believes that neither Jordan, Culpeper, Johnson, nor Hendricks, separately or in combination, suggest or make any mention whatsoever of That is, modifying Jordan with Culpeper and Johnson and/or Hendricks, as proposed by the Examiner, would not provide the above distinctive features as recited in the claims 1 to 20 as amended.

The Cited but Non-Applied References

11. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

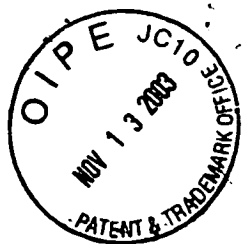
12. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 1 to 20 as amended at an early date is solicited.

Respectfully submitted,



Raymond Y. Chan
Reg. Nr.: 37,484
1050 Oakdale Lane
Arcadia, CA 91006
Tel.: 1-626-571-9812
Fax.: 1-626-571-9813

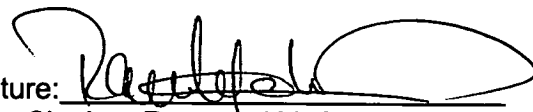
A



CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: November 10, 2003

Signature: 
Person Signing: Raymond Y. Chan

RECEIVED
NOV 21 2003
GROUP 3000

A